



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,958	06/01/2001	Amarnath R. Arsikere		4101

7590 11/30/2004

Legal Department  
Teradyne, Inc.  
321 Harrison Avenue  
Boston, MA 02118

EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/872,958

Applicant(s)

ARSIKERE ET AL.

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-20 have been examined.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as being lacks of antecedent basis in the claim.

Claim 1 recites the limitation "said at least two datagrams" in 8 and 10, respectively. There is insufficient antecedent basis for this limitation in the claim.

#### ***Allowable Subject Matter***

3. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
4. Claims 2-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 14-20 are allowed over prior art.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggest in combination a method of measuring traffic at a node under test in a network, comprising: sending a plurality of first type datagrams from a source node, each first type datagram having a path through the network including the node under test, each first type datagram

Art Unit: 2664

causing the node under test to generate a second type datagram, and each second type datagram having a path through the network that includes the source node; processing at least two of the second type datagrams to determine a number of datagrams processed by the node under test between said at least two of second type datagram; determining the time between the at least two of second type datagrams; and computing a traffic value reflecting the ratio between the determined number of messages and the determined time recited in claim 1.

The prior art made of record does not teach a method of measuring traffic at node under test in a network, comprising: sending a pair of first type datagrams from a source node separated by a time interval, each of the first type datagrams having a path through the network including the node under test; each of the first type datagrams having a time to live field causing the datagram to expire at the node under test, thereby causing the node under test to generate a timeout message in response to each first type datagram; processed the timeout messages to determine a number of datagrams processed by the node under test between the timeout messages; computing a traffic value reflecting the number of datagrams processed by the node under test in the time interval recites in claims 14 and 17.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(US 6,466,548 B1) Fitzgerald discloses a loop-back interfaces are put into routers in a packet switched network. When an end to end Quality of Service path is

Art Unit: 2664

not performing adequately, the delay and jitter characteristics are measured for individual network subsystems.

(US 6,363,053 B1) Schuster et al disclose a method and apparatus for measurement-based conformance testing of service level agreements in networks. The method includes first collecting quality of service information from the network traffic over a plurality of network nodes. Then, the collected quality of service information is compared to a plurality of specified quality of service levels.

(US 6,064,654) White-Hauser discloses an improved routing technique whereby when a node becomes congested with data traffic, alternative nodes are utilized in order to maintain delays through the network to within acceptable limits. An originating node repetitively measures delays through numerous paths and cause packet to be routed through alternative path as congestion occurs.

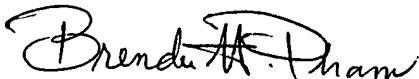
### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

November 24, 2004  
Brenda Pham

A handwritten signature in black ink, appearing to read "Brenda A. Pham". The signature is stylized with a large, looped initial "B" and a cursive "Pham".